

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Customer No.: 49442
)	
Guenter Hoelzemann, et al.)	Confirmation No.: 7107
)	
Application No.: 10/579,222)	Group Art Unit: 1624
)	
Filed: May 12, 2006)	Examiner: Jaisle, Cecilia M.

For: PYRIDOPYRIMIDINONES

COMMUNICATION TO THE EXAMINER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 05, 2008

Sir:

Applicants respectfully submit this paper in response to the Office Communication of April 29, 2008 in order to request for initialed Information Disclosure Statement and withdrawal of Finality of the Rejection.

Applicants do not believe that there is any fee associated with the filing of this paper, however, the Director is authorized to charge any fees or credit any overpayment to the USPTO Deposit Account No. 50-3380, referencing Attorney Docket Number 978725.9/MPG-P0008.

REMARKS

In the Office Communication of April 29, 2008, the Examiner has allowed all the compound claims and has rejoined all the method claims, as requested in applicant's Amendments and Response to the Non-Final Office Action of November 06, 2007.

Furthermore, the Examiner has issued a Final Rejection to the method claims 12-14, 17, 18, 20-30, 32-37 under 35 USC 112, first paragraph.

Applicants note that according to MPEP § 706.07(a),

"second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement."

Applicants note that the amendments made to the method claims in Applicant's Amendments of February 05, 2008 do not necessitate new grounds of rejection by the Examiner. In the Final Office Action of April 29, 2008, the Examiner has rejected claims 12-14, 17, 18, 20-30, 32-37 under 35 USC 112, first paragraph, for allegedly failing to comply with the enablement requirement. However, the amendments made to these claims in Applicant's Amendment of February 05, 2008 did not necessitate the rejection under 35 USC 112, first paragraph, as the recitations upon which the Final Rejection is based were present in these claims before these amendments were made.

Furthermore, an Information Disclosure Statement was filed on November 20, 2007 under 37 CFR § 1.97(c), after the mailing of the Non-Final Office Action of November 06, 2007. However, information submitted in the Information Disclosure Statement filed on November 20, 2007 did not necessitate the rejection of the methods claims.

Therefore, applicants note that the Finality of Rejection of the method claims is improper.

Furthermore, pursuant to MPEP § 706.07(a), quoted above, applicants respectfully request Withdrawal of the Finality of the Office Action mailed.

In addition, applicants note that the Examiner has provided a copy of the Information Disclosure Statement Form filed by the applicants on November 20, 2007, but it appears that the Examiner still has not initialed the documents listed therein. Applicants respectfully request that the Examiner provide the applicants with an initialed copy of the Information Disclosure Statement Form.

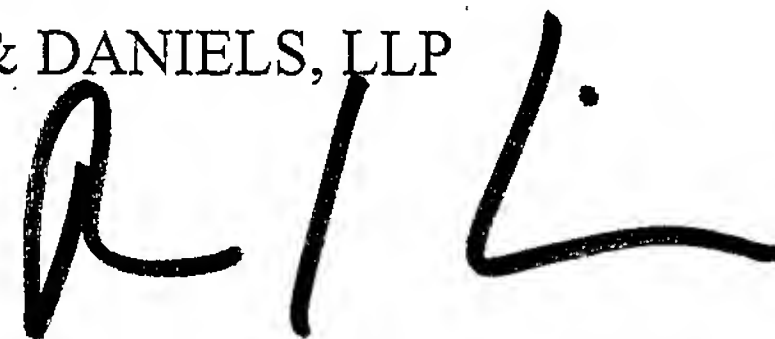
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380, referencing Attorney Docket No. 978725.9/MPG-P0008.

Respectfully submitted,

BAKER & DANIELS, LLP

By

A handwritten signature in black ink, appearing to read 'R / L', is written over the printed name and firm name.

Ronald J. Kamis, Reg. No. 41,104
Baker & Daniels LLP
805 15th Street, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 312-7029
Facsimile: (202) 312-7441